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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,248	01/14/2000	Ken K. Tseung	LABV.P0002	8145

7590

07/30/2002

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EXAMINER

GITOMER, RALPH J

ART UNIT

PAPER NUMBER

1627

DATE MAILED: 07/30/2002

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/483,248

Applicant(s)

Tseung et al.

Examiner

Ralph Gitomer

Art Unit

1627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 16, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-16 and 23-28 is/are pending in the application.
- 4a) Of the above, claim(s) 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-16 and 23-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 13 6) ☐ Other:

The amendment received 1/16/02 and the IDS's received
12/10/01, 1/18/02 and 4/10/02 have been entered. No foreign
search report has been submitted, a copy is requested. Claims
11-16, 23-27 are considered here.

Newly submitted claim 28 is directed to an invention that is
independent or distinct from the invention originally claimed for
the following reasons: The method claims have previously and
properly been restricted and may not now be rejoined.

Since applicant has received an action on the merits for the
originally presented invention, this invention has been
constructively elected by original presentation for prosecution
on the merits. Accordingly, claim 28 is withdrawn from
consideration as being directed to a non-elected invention. See
37 CFR 1.142(b) and MPEP § 821.03.

The rejection of record under 35 USC 112, second paragraph,
is hereby withdrawn.

It is noted the claims have been amended to state ~~at least~~
one slide tray~~.~~. The specification on page 14 last paragraph,
~~After loading one or more slide trays~~ implies there is no
criticality to having either one or more than one slide tray.

The rejection of record of claim 27 under 35 USC 102(b) over Tseung and Copeland is maintained.

Applicants argue that the reagent pack is specific for a particular slide.

5 It is the examiner's position that in the apparatus of each of Tseung and Copeland the reagents MUST necessarily be specific for the slides for which they are intended.

10 The rejection of record of claims 11-16, 23-26 under 35 USC 103(a) over Tseung in view of Karla is maintained.

15 Applicants argue that Tseung does not show a device that can pause during the run to allow new slides to be added and then restarted after the slides are added. Regarding claims 23-26, the cited references do not teach a tiltable sink with drain holes on different sides to permit independent handling of nonhazardous and hazardous wastes.

20 It is the examiner's position that both Tseung and Kalra teach the automatic control means permit user input. As a pause and restart function would be a likely user input, no novelty is seen. It is noted that modern dishwashers have such a function while a signal light is on that new dishes may be added and the cycle is restarted. Stop and start functions in automated systems are old.

Regarding a tiltable sink, both references cite drain bins with exit conduits to waste reservoirs. To include multiple drains would have been obvious because more than one solution to be drained is standard and to drain desired solutions into
5 desired drains is old. See Tseung column 16 lines 25-30 describing drains and Copeland column 4 first paragraph showing a tipper to drain rinse liquid into a drain.

Applicant's amendment necessitated the new ground(s) of
10 rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action
15 is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire
20 on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ralph Gitomer whose telephone number is (703) 308-0732. The examiner can normally be reached on Tuesday-Friday from 8:00 am - 5:00 pm.

5 The examiner can also be reached on alternate Mondays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (703) 308-4537. The fax phone number for this Art Unit is (703) 308-4556.

10 Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1235. For 24 hour access to patent application information 7 days per week, or for filing applications electronically, please visit our website at www.uspto.gov and click on the button Patent Electronic Business

15 Center for more information.

Ralph Gitomer

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